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UNITED STATES DISTRICT COURT
 15 **NORTHERN DISTRICT OF CALIFORNIA**

16 **SAN JOSE DIVISION**

17 TEVA PHARMACEUTICALS USA, INC.,
 18 Plaintiff,
 19 vs.
 20 CORCEPT THERAPEUTICS, INC., et al.,
 21 Defendants.

Case No. 5:24-cv-03567-BLF

Honorable Beth Labson Freeman

**JOINT NOTICE REGARDING PARTIES'
 PROPOSAL AS TO CASE SCHEDULE IN
 RESPONSE TO CASE MANAGEMENT
 ORDER (DKT. 63)**

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1 The Court's November 4, 2024 case management order set dates for requesting leave to amend
 2 the pleadings, a further case management conference and case management statement, the last day to
 3 hear dispositive motions, a final pretrial conference, and trial. Dkt. 63. The Court's order also
 4 required the parties "to meet, confer, and submit a stipulation and order setting all deadlines not set
 5 by the Court . . . including discovery cut-offs and expert disclosure deadlines[.]" Dkt. 63.

6 The parties have conferred and are in agreement on a case schedule, with one exception: a
 7 deadline for the substantial completion of document productions and final privilege logs. The parties
 8 below provide their proposals regarding the schedule—dates that the Court has already set are
 9 highlighted in dark green, and dates that the Court did not previously set but that parties agree on are
 10 **not** highlighted. The parties' lone dispute regarding a date for substantial completion of document
 11 productions and final privilege logs—a date that the Court did not previously set—is highlighted in
 12 red. The parties also below provide their respective positions on that one disputed date.

<u>Deadline</u>	<u>Plaintiff's Proposal</u>	<u>Defendants' Proposal</u>
Last Day to Request Leave to Amend Under Rule 15	January 3, 2025	January 3, 2025
Case Management Statement Due	February 13, 2025	February 13, 2025
Case Management Conference	February 20, 2025, at 11 a.m.	February 20, 2025, at 11 a.m.
Substantial Completion of Document Productions and Final Privilege Logs	July 11, 2025	N/A [Defendants oppose the setting of a substantial completion deadline]
Close of Fact Discovery	November 21, 2025	November 21, 2025
Opening Expert Reports	January 9, 2026	January 9, 2026
Rebuttal Expert Reports	February 20, 2026	February 20, 2026
Completion of Expert Depositions	March 27, 2026	March 27, 2026
Final Date to File Dispositive Motions	May 15, 2026	May 15, 2026

<u>Deadline</u>	<u>Plaintiff's Proposal</u>	<u>Defendants' Proposal</u>
Oppositions to Dispositive Motions	June 19, 2026	June 19, 2026
Replies on Dispositive Motions	July 17, 2026	July 17, 2026
Hearing Date for Dispositive Motions	August 13, 2026, at 9 a.m.	August 13, 2026, at 9 a.m.
Lead Counsel Meet-and-Confer Before Trial	October 29, 2026	October 29, 2026
Motions in Limine (Max. 5/Side) Due	November 9, 2026	November 9, 2026
Hearing Date for Non-in Limine <i>Daubert</i> Motions	November 12, 2026 at 9:00 a.m.	November 12, 2026 at 9:00 a.m.
Joint Pretrial Statement and Order	November 25, 2026	November 25, 2026
Jury Materials (Preliminary Statement of Case; Voir Dire; Jury Instructions; Verdict Form)	November 25, 2026	November 25, 2026
Oppositions to Motions in Limine	December 3, 2026	December 3, 2026
Pretrial Conference	December 10, 2026, at 1:30 p.m.	December 10, 2026, at 1:30 p.m.
Trial Briefs	January 4, 2027	January 4, 2027
Trial	January 11, 2027, at 9 a.m.	January 11, 2027, at 9 a.m.

23 **Defendants' Position:**

24 Setting a deadline for the substantial completion of document productions and final privilege
 25 logs is both premature and unnecessary. Teva proposes that the parties substantially complete their
 26 document productions and exchange final privilege logs by July 11, 2025. However, it is unclear
 27 whether this case will proceed at all in light of Defendants' pending motion to dismiss, which is set
 28 for hearing on February 20, 2025. If this case does proceed, it is also unclear when the pleadings may

1 be settled—for example, the Court may grant Teva leave to amend (though Defendants maintain Teva
 2 should **not** be granted leave to amend), and there may be additional rounds of motion to dismiss
 3 briefing after that. Moreover, it will take substantial time for the parties to negotiate—and if
 4 necessary litigate—the scope of document production in this case, including with respect to the more
 5 than 230 requests Teva has already served (and which Teva declined to stipulate to stay, pending the
 6 Court’s adjudication of Defendants’ pending motion to stay discovery). It will then require time for
 7 the parties to agree upon—and if necessary—litigate document custodians and search terms, and for
 8 the parties to after that then search for, review, and produce responsive documents. All of this will
 9 require time, making substantial completion by July 11, 2025 highly unlikely. Building into the case
 10 schedule an arbitrary substantial completion deadline is also unnecessary: neither the Northern
 11 District’s Local Rules nor this Court’s standing orders require a substantial completion deadline.

12 **Plaintiff’s Position:**

13 Given that the parties have agreed to a cutoff for fact discovery, Defendants provide no cogent
 14 reason why a deadline for the substantial completion of document productions and final privilege logs
 15 should not be set as well. Defendants raise numerous hypothetical concerns—based on pending
 16 motions and issues the parties *may* end up litigating—to argue why setting such a deadline would be
 17 premature at this stage. But the *possibility* of future contingent events is not a sound basis to not set
 18 a substantial completion deadline now. (Indeed, the same could be said for all deadlines.) Should
 19 those contingencies *actually* arise, the parties will, of course, be free to diligently approach the Court
 20 for any necessary modifications to the substantial completion deadline, or any other deadline for that
 21 matter. *See Fed. R. Civ. Proc. 16(b)(4); Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609
 22 (9th Cir. 1992). As the point of a substantial completion deadline is to ensure that parties have an
 23 adequate opportunity to review and follow up on documents received in discovery before conducting
 24 depositions, any modification of that deadline will very likely entail a similar modification of the fact
 25 discovery deadline too. Defendants have identified no unique concern about setting a substantial
 26 completion deadline that would not equally apply to a fact discovery deadline. Finally, Defendants’
 27 claim that a substantial completion deadline should not be set because neither the Northern District’s
 28 Local Rules nor this Court’s standing orders requires it is not persuasive. To the contrary, given the

1 recognized importance of completing document production and review before the onset of
2 depositions, setting substantial completion deadlines in complex litigation is a routine occurrence in
3 this district. *See generally Valentine v. Crocs, Inc.*, 2023 WL 7461852, at *2 (N.D. Cal. Nov. 10,
4 2023); *In re Google RTB Consumer Priv. Litig.*, 2023 WL 3046793, at *1 (N.D. Cal. Apr. 21, 2023);
5 *In re Telescopes Antitrust Litig.*, 2022 WL 3590342, at *1 (N.D. Cal. Aug. 22, 2022); *In re Facebook,*
6 *Inc. Consumer Priv. User Profile Litig.*, 2021 WL 10282213, at *3 (N.D. Cal. Nov. 14, 2021). Doing
7 so adds significant value for the administrative efficiency of the case. For all those reasons, Teva
8 submits that the Court should include a substantial completion deadline to the case schedule, and that
9 July 11, 2025 is a reasonable deadline under the circumstances.

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1 Dated: November 15, 2024

Respectfully submitted,

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CIVIL LOCAL RULE 5-1 ATTESTATION

I, Robert W. Stone, am the ECF user whose credentials were utilized in the electronic filing of this document. In accordance with Civil Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from each of the signatories listed above.

DATED: November 15, 2024

By */s/ Robert W. Stone*
Robert W. Stone

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of November 2024, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System, causing it to be electronically served on all attorneys of record.

By */s/ Robert W. Stone*
Robert W. Stone